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SUBJECT: CHAD: NEW THREATS TO PRESS FREEDOM

11. (SBU) Summary: A harsh new proposed law governing the press in Chad is back in the hands of its authors - high-ranking cabinet members - after being simultaneously recalled by the government and rejected by a National Assembly commission, who qualified it as "repressive." The proposed law, based loosely on the 1968 presidential decree number 006, could have very negative consequences for press freedoms in Chad if it is adopted. It proposes to strengthen penalties against journalists for defamation, tighten the educational and professional requirements for directors and editors-in-chief, and give the High Council for Communication (HCC) the power to review stories before they go to print. Unswayed by critics, the Minister of Communication still found ample reason to support the law's adoption, citing the "non-professional and irresponsible" nature of the press, and claiming that some journalists need to be imprisoned for their own protection, lest they fall victim to clan violence.
End Summary.

Proposed Press Law

12. (SBU) On July 6th, the Government of Chad (in a Council of Ministers session) adopted a proposal for a new law governing the press and sent the proposal to the National Assembly. The proposed law has three noteworthy components. First, it strengthens libel and defamation laws in cases involving the President, high-ranking government officials, and foreign government officials and diplomats. Defamation of the President, for example, would bring a penalty of one to five years in prison, a fine of 200,000 to 1,000,000 FCFA (\$400 to \$2,000), or both. Second, the law strengthens professional requirements on publication directors and editors-in-chief, stipulating that they must be "communication professionals" - a vague designation that some media analysts believe can be interpreted anyway the GOC likes (e.g. editors-in-chief must have a degree in

journalism, or a certain number of years of experience). Third, the law proposes to expand the powers of the High Council of Communication (HCC), which would receive a copy of each newspaper before its publication, for review. The substance of the law closely resembles presidential decree number 006, first put into place in 1968, and replaced by Law 029 in 1993. In discussions with the Minister of Communication, we also learned of plans to require new media outlets to be certified both by the Ministry of Communication and the Ministry of Commerce. The law was rejected by the National Assembly commission, who described it with the snappy neologism "liberticide," a term picked up in the local press. The law was simultaneously recalled by the GOC for further review, but the Minister of Communication made clear that the GOC plans to push some version of the proposed law through.

WHY NOW?

13. (SBU) Since the arrest, imprisonment, and subsequent release of three journalists and one 'collaborator' last summer, Chad has appeared to be moving in the right direction in terms of press freedoms. The French NGO Reporters Without Borders (RSF), who met with the Minister of Communication and the President in August 2005, came away from those meetings with positive impressions, and informal commitments on the part of the GOC that they would begin to move towards total decriminalization in their press laws. RSF director Robert Menard spoke widely about the positive tenor of these meetings, and a period of relative peace between the GOC and the media ensued. Pressures on the GOC have no doubt been on

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the rise since early 2006: from Darfur and the armed rebellion, to the World Bank and the controversial re-election of the President, the press has had much to report, and report they have. More staunchly anti-government media such as the Notre Temps and Le Temps newspapers, and Radio FM Liberte, did not miss a beat in reporting every government mis-step or perceived rebel victory in the lead-up to the April 13 attacks. The more balanced Observateur newspaper continued its strong critiques of the Deby regime, while even the pro-government paper Le Progres (owned by the secretary general of the President's MPS political party) has

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shown more balance in its reporting, often giving an opposition view or a rebel statement to accompany the usual party line.

CONVERSATION WITH THE MINISTER OF COMMUNICATION

14. (SBU) These pressures on the GOC, and their own sense of instability, may now be translating into a more repressive set of press laws. In frank discussions with Minister of Communication Hourmadji Moussa Doumgor on Friday, August 4th, we heard a good deal about this sense of fragility, and gained some insight into the psychology behind the new proposed law. The GOC faces a choice, according to the Minister: they can 1) decriminalize media laws; 2) strengthen media laws, or; 3) leave current laws in place. Given what the Minister called "bad mistakes by journalists," he believes the only option left for the GOC is to strengthen existing laws -- hence the proposal. According to the Minister, the GOC is not concerned with press critiques of government policy, or of how an individual performs his job. What the regime will not tolerate, he said, were personal attacks on the President, his family, or other high-ranking members of government. This type of personal attack was exemplified in late May, following the arrest of President Deby's eldest son Brahim in Paris on weapons and drug charges. (NOTE: Brahim Deby, once a purported successor to

the presidency, was given a six-month suspended sentence and remains in Paris. END NOTE). After the story emerged, a local paper led with the headline: "Like Father, Like Son," accompanied by picture of the President and lurid details of the Paris arrest. This headline greatly angered the President, the Minister of Communication reported, and led in large part to the proposed law.

15. (SBU) The Minister spoke at length and in some detail about the types of personal attacks he considers impermissible, and which would be punished under the proposed law. "It is not a problem to criticize policy," he said, "but the press cannot call me a bastard, or a homosexual, or a thief." Although "we've gone very far in terms of press freedoms," the Minister said, "unfortunately, we have to go back now. No one wants to send a journalist to prison," he continued, "but we can't just let these things slide. We need to strengthen our preventative measures, because the press is not yet responsible." The Minister also advanced his notion -- already familiar to those who followed the 2005 arrests -- that certain journalists could be put in jail "for their own protection." "We live in a country where people are killed for a handful of peanuts," he said. "These are people, the Zaghawa, the Gorane, who settle their scores with blood. So we would do this (put journalists in prison) as a preventative measure."

16. (SBU) The Ambassador pointed out that parts of the new law, and the Minister's statements, would be perceived negatively outside of Chad -- for example, the Minister's statement quoted in the pro-government Progres daily that "the fear of Gendarmes marks the beginning of good behavior."

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In reply to the Ambassador's point that it is always difficult to find a balance between freedom and responsibility, the Minister stated that he was "optimistic that one day we'll get to a point where we no longer send journalists to prison in this country." The Minister seemed keenly aware of the strongly negative view of imprisoning journalists, and sensed that he could not win the battle in this way, given the intense scrutiny Chad received last summer from the international community. He admitted that, under the proposed law, the first approach would be to "kill newspapers financially, but not send anyone to prison."

Comment

17. (SBU) The proposed law, if approved, would be a stark step backwards for press freedoms in Chad -- already wallowing in the bottom quarter of Freedom House rankings with a score of 74, tied with Kazakhstan. Four journalists were imprisoned during the summer of 2005 on libel and defamation charges, and subsequently released, in part due to the relatively weak Law 029. Since then there has been an uneasy truce between the GoC and the press. The new law, according to local media and the Minister of Communication, would make it much easier to imprison journalists on libel charges, would allow the GOC to impose heavy fines on media outlets, and subject all newspapers to a pre-print review process by the HCC. In addition, since many senior Chadian journalists do not have professional diplomas in journalism, the law could make it easier for the government to close a media outlet, or disallow formation of a new outlet, for the sole reason that the director or editor-in-chief does not pass the cut as a "communications professional."
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